

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ENOMA IGBINOVIA,)	3:11-cv-00079-ECR-WGC
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	May 23, 2012
)	
JAMES G. COX, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: JENNIFER COTTER REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is plaintiff's "Motion to Stay Summary Judgment Pending Completion of Discovery Already in Progress." (Doc. #65.) Plaintiff asserts he requires defendants' discovery responses in order to respond to defendants' motion for summary judgment (Doc. #62). (*Id.*) Plaintiff relies on Fed. R. Civ. P. 56(f), which has been merged into Rule 56(d). Whether to grant or deny a Rule 56(d) postponement to allow a party to undertake discovery to be able to respond to a motion for summary judgment is discretionary with the court. *Blough v. Holland Realty, Inc.*, 574 F.3d 1084, 1091 n. 5 (9th Cir. 2009).

In the exercise of the court's discretion, and good cause appearing, the court will not stay defendants' motion for summary judgment indefinitely, but will extend the time until June 30, 2012, for plaintiff to file a response to defendants' motion for summary judgment. Theoretically, the "discovery already in progress" should be completed by that date so that plaintiff will have the discovery responses available to him he claims he requires to respond to defendants' motion.¹

¹ If a motion to compel is filed herein [which, if appropriate, must be filed by June 1, 2012 [Doc. #55, ¶ 3]], the court will schedule a status conference thereon.

